| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 09/366,749 | 08/04/99 | VOIGT | C   1330.1031/JR |

TM02/0329

021171
STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON DC 20001

| EXAMINER |
|---|

RIMELL,S

| ART UNIT | PAPER NUMBER |
|---|---|
| 2166 | 3 |

**DATE MAILED:**
03/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/366,749 | VOIGT ET AL. |
| | Examiner | Art Unit | |
| | Sam Rimell | 2166 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.  2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-21_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-21_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

*SAM RIMELL*
*PRIMARY EXAMINER*
*AU 2166*

**Attachment(s)**

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____ .

Claims 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the phrase "said interface" is indefinite since it is not clear whether the user interface, the integration interface, or some other interface is being discussed. In claim 11, "said objects" lacks antecedent basis.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention lacks utility.

Claim 21 is addressed to a computer readable storage medium having no additional structure beyond "a process". In claim addressed to an apparatus, such as a computer readable storage medium, "a process" for doing something has no patentable weight because it is not a physical structure. Accordingly, claim 21 is only limited to a computer readable storage medium without additional structure, which has no utility.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 4-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. ('450).

Myers et al. discloses a healthcare system defined by a set of workstations (FIG. 1, numerals 18,20,22) which provides access to patient records (col. 3 lines 35-38). The healthcare system includes individual workstations, any one of which constitutes a "user interface". A document management system (FIG. 1, numerals10,12,14,16) is provided to store documents which define the medical records and is physically separate from the workstations that define the healthcare system. An integration interface (graphical interfaces of FIGS.2A-2B) modifies the user interface (an individual workstation) by supplying a program to the user interface. The integration interface permits requests to be made for patient documents and the viewing of patient documents (col. 4 lines 21-23). No patentable weight is attributed to the processes defined in claims 1 and 20, since these claims are addressed to an apparatus and not a method.

In the integration interface, "document deficiency information" in the form of patient data is entered into the interface. The integration interface can then send commands to the document management system to perform updates of the files stored in the document management system (col. 3 lines 39-45).

The addition of a new patient record (FIG. 2A, numeral 26), or the update of a patient record is definable as an "audit event" and is recorded by the document management system via the integration interface.

The integration interface displays documents, such as a patient chart (FIG 2B) obtained from the document management system.

The system of Myers et al. operates on an object-oriented architecture, and deploys object servers and object controllers (FIG. 1, numerals 10-16). Accordingly, commands from the

integration interface will inherently be transformed into query objects, and the information

retrieved will inherently be in the form of documents objects or chart objects.

The integration interface includes a number of different controls. These include: a chart

display control (42); document display control (radio buttons 28b) and an image display control

(radio button marked "imaging studies" in FIG. 2A).

The user interface, which is a workstation, includes all of the controls defined within the

integration interface. It further includes a chart control (scroll bar adjacent spiral notebook

simulation in left portion of FIG. 2B), a chart view button (42), and a document viewer (44) in

FIG. 2B.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers

et al ('450).

Myers et al. differs from claims 2-3 in that it does not specifically define the log-on and

connection procedures for connecting end user to the document management system. However,

Examiner takes Official Notice that it is well known in the art for a user to log-on to a

workstation, and for the interface program of the workstation to log-on to a network, as a

conventional start-up practice.

Accordingly, it would have been obvious to one of ordinary skill in the art to have a user in the system of Myers et al. to log on to a workstation, and for the integration interface to log-on to the network connected the document management system, as is a conventional and well known start-up practice used in network computing.

Myers et al. differs from claim 10 in that it does not suggest session manager objects deployed in the object-oriented architecture. Examiner maintains that a chart object and a document object are inherent within the Myers et al. system, since the object oriented servers (10-16) would have to manipulate charts and documents in the form of chart objects and document objects. Query objects would also be inherent, since the integration interface of Myers et al. must perform queries to object oriented servers (10-16).

However, Myers et al. does not specifically suggest the use of a session manager object, although Examiner takes Official Notice that session manager programs are known in the art for use in workstations. Accordingly, the usage of session manager objects in an object oriented environment such as that of Myers et al. would have been obvious to one of ordinary skill in the art as a necessity to permit the operation of a session manager program.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2166